



## Memorandum

Date: May 20, 2014  
To: City Council  
CC: Dan Hayes, Talus Management Services  
Darren Peugh, Talus Management Services  
Parties of Record  
Charlie Bush, DSD Director  
From: Lucy Sloman, DSD Land Development Manager  
Subject: Revised plat conditions in response to Council Land & Shore committee, May 13, 2014  
Preliminary Plat – Talus Parcels 7-9  
File No: PP14-00001

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In response to Council Land & Shore Committee comments at a meeting on May 13, 2014, DSD Staff provide the following responses and edits to conditions.

As you may remember, a preliminary plat is a quasi-judicial matter — meaning a trial of sorts is held. During a quasi-judicial review, there are limited times when the City Council (as decision maker) are allowed to communicate with the public, Applicant, or even the other members of the Council. (Those times are only when the public meeting or hearing is in session.) This is to ensure that the process is fair, and that everyone is aware of all communication on which the decision is based. The Council, Applicant, or public can contact the lead staff person, Lucy Sloman, if you have questions or comments on these revisions: [lucys@issaquahwa.gov](mailto:lucys@issaquahwa.gov). We want to ensure that we have the opportunity to respond in a complete and thoughtful a manner for the Council's decision-making on June 2.

### **1. Walls: bonding and ownership**

*Summary of Committee concern:* Who will own the walls? When will that be determined? What happens if something interferes with dedication of wall to an acceptable entity?

*Staff comment:* If the preliminary plat is approved by Council, the property owner (which may be a successor to the current owner and preliminary plat Applicant) may submit construction permits including clearing and grading permits, which would include the proposed walls. To

approve the clearing and grading permit, the City requires a security to ensure the work is completed. The bond is in the amount of 150% of the estimated cost of construction per IMC 16.26.120; see below.

## **Chapter 16.26: Clearing and Grading**

### **16.26.120 Security.**

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A. Performance Security. For all applications for a Public Works Permit allowing clearing and grading, the Permit Authority shall require the applicant to establish a security to be posted prior to issuance of the permit to guarantee the completion of the work in accordance with the approved plans, specifications, and permit conditions. The amount of said security shall be equal to 150 percent of the estimated cost of construction of all items of work outside of any habitable structures which contribute to soil or geologic structure stability, control of drainage, habitat restoration or permanent erosion control, and shall include, but not be limited to, site clearing and grubbing, excavation, fill, import of structural fill, export and disposal of unsuitable materials, retaining walls, rockeries, surface and subsurface drainage systems, stormwater facilities, curbs, gutters, paving, restoration of vegetation, surface treatment of slopes, habitat restoration and enhancement plantings, and other items as may be required by the Permit Authority.

The performance guarantee security shall be maintained in full until the work has been completed and all possibility of erosion has passed. Should the permittee fail to complete the work in accordance with the approved plans, specifications and permit conditions, the City may enter the property and cause the work to be completed and shall be reimbursed for all expenses so incurred from the proceeds of the security. (Ord. 2560 § 3 (Exh. A2), 2009; Ord. 2487 § 1, 2007).

After construction of the plat improvements, or upon bonding of the plat improvements for any work not completed at the time of final plat, an Applicant may apply for a final plat. At final plat, the ownership and maintenance of each tract is identified. The Talus Residential Association (the overall HOA for Talus residents) may take the tract which contains the wall, but it is at their discretion. Or, if the Talus Residential Association does not accept dedication of the wall tract, a sub-homeowner's association (sub-HOA) will be created at the time of final plat, and the tract containing the wall would be dedicated to them. Proposed Approval Condition #8 lays out the options in the bold and italicized portion shown below.

**Proposed Approval CONDITION #8:** Where it is not practical to terrace walls, long and/or tall walls will be articulated, add visual interest to the community, and use landscape to soften the wall and transition the scale of the wall where pedestrians are nearby. For instance, at the base of the eastern wall in Parcel 7, landscaping, which includes the use of coniferous trees where feasible, shall be placed between the base of the wall and the trail in order to reduce the wall's scale and presence to pedestrians. Additionally, coniferous trees shall be provided on the downslope side of the wall in order to better screen the walls by that portion of open space. ***In addition, walls must be 1) owned and maintained by the Talus HOA (an election by the Homeowners Association), or 2) owned and maintained by a sub-HOA that meets City standards for financial viability, or 3) by another group or organization with the ability to access and assess individual lots for the protection, preservation and eventual replacement of the walls.*** Consideration must be given to, and demonstrated on the wall design plans, that a method for the eventual replacement of the walls is accommodated in the wall design and the available property above and below the wall. This will be enforced during the Wall permits and the Landscape Permit.

As this sub-HOA is created by the property owner, and its members do not yet exist (lots may not be sold or marketed prior to final plat approval), there is no possibility that the sub-HOA would not agree to take the wall. The Council committee's concern, as Staff understood it, included the possibility that while the wall was under construction, and prior to dedication via final plat, that the wall might not be completed and then come under the City's ownership. The bonding provisions in 16.26.120 will ensure that the wall construction is completed. The City

cannot be required to take ownership of the wall during this process. The wall would remain in the ownership of the property owner until such as a final plat was submitted and approved, and a tract established.

*Conclusion:* No change is proposed. The existing Proposed Approval Condition #8 and IMC, including 16.26.120, address the committee's concerns.

## **2. Landscape at the base of walls**

*Summary of Committee concern:* Trees adjacent to the base of walls must be selected and located based on their mature size so they have room to grow in a healthy way, both for the tree and the wall.

*Staff comment:* Staff concurs and agrees that that is the intent.

*Conclusion:* Proposed Approval Condition #8 is revised to incorporate clarifying language.

**Revised CONDITION 8:** Where it is not practical to terrace walls, long and/or tall walls will be articulated, add visual interest to the community, and use landscape to soften the wall and transition the scale of the wall where pedestrians are nearby. For instance, at the base of the eastern wall in Parcel 7, landscaping, which includes the use of coniferous trees where feasible, shall be placed between the base of the wall and the trail in order to reduce the wall's scale and presence to pedestrians. Additionally, coniferous trees shall be provided on the downslope side of the wall in order to better screen the walls by that portion of open space. Landscape placed near the base of a wall, especially trees, shall be selected and located to accommodate the mature width of the tree. In addition, walls must be 1) owned and maintained by the Talus HOA (an election by the Homeowners Association), or 2) owned and maintained by a sub-HOA that meets City standards for financial viability, or 3) by another group or organization with the ability to access and assess individual lots for the protection, preservation and eventual replacement of the walls. Consideration must be given to, and demonstrated on the wall design plans, that a method for the eventual replacement of the walls is accommodated in the wall design and the available property above and below the wall. This will be enforced during the Wall permits and the Landscape Permit.

## **3. Recreation Tracts**

*Summary of Committee concern:* Given that there are limited locations for recreation within the Talus Parcels 7-9, ensure that the ones proposed are useful, serve multiple ages, and are well designed.

*Staff comment:* Staff concurs and agrees that that is the intent. Subsequent to the preliminary plat, an Administrative Site Development Permit (ASDP) will be required to review the specific design for each recreation and open space tract. The Development Agreement defines what good, appropriate recreation designs would be, and these standards and guidelines would be the basis for reviewing the ASDP. The purpose of the plat review is to ensure the tracts are sufficient and appropriate for the uses.

*Conclusion:* Proposed Approval Condition #21 is revised to incorporate clarifying language.

**Revised CONDITION 21:** With the final plat, the Tract O recreation and open space tract shall be increased in size or another area within Parcel 7 shall be provided in order to accommodate for a more usable and diverse variety of recreation activities. In either case, the Parcel 7 tract identified for recreation will be graded flat, though it may be terraced into 2-3 flat usable pieces. Recreation tracts within Parcels 7, 8, and 9 shall be designed to be useful and serve a variety of users, including varied opportunities for children's play. This will be reviewed with Site Work Permits as well as the Administrative Site Development Permit for the open space tracts.

#### 4. Condition 32

*Summary of Committee concern:* Proposed Approval Condition #32 uses the word “explore” which doesn’t ensure that if a redesign is possible it will happen.

*Staff comment:* Staff concurs and agrees that that is the intent.

*Conclusion:* Proposed Approval Condition #32 is revised to incorporate clarifying language.

**Revised CONDITION 32:** ~~Explore +~~ Redesigning the northern terminus of Road A to eliminate or reduce the dead-end portion, if an examination of grades and options indicates that a redesign is practical and feasible, consistent with City codes and the Development Agreement. Options could include moving Drive C to the north or adding a cul-de-sac which doesn't meet fire service standards. This will be reviewed with Site Work Permits for the roads in Parcel 7.